

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

JOHN JAMES,

AMD 06 CV 0891

Plaintiff,

Court File No.:

v.

SHERMAN ACQUISITION, LP
MANN BRACKEN LLC
SCOTT A. KRAMER
ANDREW SCOTT LERNER and
DALPHENE DAVIS

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441(b)
(FEDERAL QUESTION)**

Defendants.

DEFENDANTS' NOTICE OF REMOVAL

COMES NOW, Defendant Sherman Acquisition, LP, by counsel, and files this Notice of Removal, pursuant to 28 U.S.C. § 1441, *et. seq.*, from a suit originally filed in the Circuit Court for Baltimore County, Maryland, case number: 03-C-06-001960 OC, in a case styled John James v. Sherman Acquisition, LP, Mann Bracken LLC, Scott A. Kramer, Andrew Scott Lerner and Dalphene Davis to the United States District Court for the District of Virginia, Maryland. Defendants Mann Bracken LLC and Scott A. Kramer also join in this Notice of Removal.

A. Background and Facts

1. On or about February 21, 2006, Plaintiff, John James (the “**Plaintiff**”) filed a Complaint (the “**Complaint**”) against Sherman Acquisition, LP; Mann Bracken LLC; Scott A. Kramer; Andrew Scott Lerner and Dalphene Davis (collectively, the “**Defendants**”), in the Circuit Court for Baltimore County, Maryland, case number: 03-C-06-001960 OC, (the “**State**

Court Suit"). A true and correct copy of Plaintiff's Complaint in the State Court Suit is attached and incorporated hereto as Exhibit A.

2. Defendants Mann Bracken, LLC and Scott A. Kramer were served with the State Court Suit on or about March 3, 2006.

3. Defendant Sherman Acquisition, LP was served with the State Court Suit on or about March 7, 2006. Accordingly, Sherman Acquisition, LP, files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b).

4. Defendants Andrew Scott Lerner and Dalphene Davis have not been served with the State Court suit and as such are not required to join in this Notice of Removal.

B. Basis for Removal

Federal Question

5. This cause is removable based on federal question jurisdiction. Plaintiff alleges that Defendants violated federal statutes, the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* ("FDCPA") and the Fair Credit Reporting Act, 15 U.S.C. §1681 *et seq.* ("FCRA"). See Plaintiff's Complaint. Therefore, this Court has jurisdiction pursuant to 28 U.S.C. §1441(b) because Plaintiff has asserted claims arising under the laws of the United States.

6. Defendants Mann Bracken LLC and Scott A. Kramer agree to the removal, and have joined in the removal hereof.

7. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the place where the removed action has been pending.

8. Sherman Acquisition, LP will file promptly a copy of this notice of removal with the clerk of the state court where the action has been pending.

WHEREFORE, Defendants, Sherman Acquisition, LP, by counsel, Mann Bracken, LLC and Scott A. Kramer, give notice that the State Court Suit, styled John James v. Sherman Acquisition, LP, Mann Bracken LLC, Scott A. Kramer, Andrew Scott Lerner and Dalphene Davis is hereby removed from the Circuit Court for Baltimore County to the United States District Court for the District of Maryland, and Defendants Sherman Acquisition, LP prays for such other and further relief which this Court deems necessary, just and proper.

SHERMAN ACQUISITION, LP
By Counsel:



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Virginia State Bar number: 37380
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Counsel for Defendants

MANN BRACKEN, LLC

W. Christopher Bracken, III
Member

SCOTT A. KRAMER

Scott A. Kramer

b, ^{cc}
with express authorization
pursuant to attached
facsimile pg 8

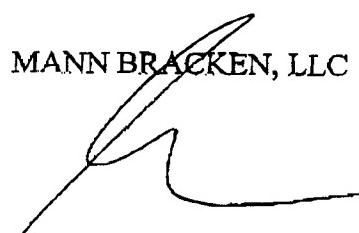
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SHERMAN ACQUISITION, LP
By Counsel:

MANN BRACKEN, LLC

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SCOTT A. KRAMER

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1953 Gallows Road
Suite 240
Vienna, VA 22182

Tel: (703) 245-0577
Fax: (703) 288-1070

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **6th day of April, 2006**, a true copy of the instant Removal was served via first class mail, postage prepaid, to the following:

Michael C. Worsham
1916 Cosner Road
Forest Hill, MD 21050

Man Bracken, LLC
1953 Gallows Road; Suite 240
Vienna, VA 22182

Scott A. Kramer
1953 Gallows Road; Suite 240
Vienna, VA 22182

Andrew Scott Lerner
1953 Gallows Road; Suite 240
Vienna, VA 22182

Erik R. Quick

